THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, the 3rd day of April,2007

W.P.No.13165 of 1997

Between:-

B. Hanumantha Rao & others … Petitioners

and

The A.P. State Road Transport
Corporation, rep. by its
Managing Director, Musheerabad,
Hyderabad-20
and others … Respondents

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W.P.No.13165 of 1997

ORDER:

Learned counsel for the petitioners submits that the issue that arises for consideration in this Writ Petition is squarely covered by a Judgment rendered by a Division Bench of this Court in Writ Petition No.15066 of 1991 and batch, dated 20-12-2002.

There is no necessity of going into all the details. It is suffice to note the relevant portion of the Judgment dated 20-12-2002 in Writ Petition No.15066 of 1991, which reads as under:

> "The case of the respondents in the counter is that the benefit to the graduates of additional increments was withdrawn by Circular dated 31-5-1982. This was the stand they took in the Writ Petitions which had been filed earlier. The Writ Appeal has also been decided by this Court and the matter has been referred to the Labour court. While going through these Writ Petitions we have found it necessary in order to decide the controversy to examine the import of Circular dated 31-5-1982. That circular had been challenged in a Writ Petition which was allowed, but ultimately in Writ Appeal the matter was referred to the Labour Court. The Division Bench in Writ Appeal No.202/88 passed the following Order:
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> > 'The Writ Petition, against the order of which this Writ Appeal has been filed, was filed on the ground that Circular No.PD.12/77-78, dated 30-4-77 issued by the APSRTC ought to have been followed, and seeking a writ of mandamus. In fact, the said Writ Petition has been filed directly while a connected matter came through the media of the Labour Court. Following that case which came through the Labour Court, the Writ Petition was allowed, but that matter in Writ Petition No.4096/85 has been remitted back following the earlier judgment in W.P.No.6564/88.
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> > As a necessary corollary, this writ appeal has to be allowed, but since the 1st respondent herein did not avail of the Labour court remedy, a time of 60 days from today is granted to avail of the said remedy.

Writ Appeal is accordingly allowed to the extent indicated above. No costs.'

We are conscious that one of the Writ Petitions has been in this Court for more than 10 years, but all the same, a coordinate Bench of this Court has referred the controversy to the Labour Court. Therefore, in order to avoid any conflicting judgments and also to avoid deciding a controversy which has already been referred by another Division Bench to the Labour Court, we do not intend to decide the controversy at this stage, rather we are compelled to adopt the course adopted by the other Division Bench and refer the matter to the Labour Court.

Status quo shall be maintained and the petitioners shall have 60 days time from today to approach the Labour Court.

The Writ Petitions are accordingly disposed of."

Following the said Judgment, this Writ Petition also stands disposed of directing the petitioners to approach the Labour Court by way of an appropriate petition and workout their remedies as available under the law. No order as to costs.

03-4-2007

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